IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

WA.No. 1114 of 2007()

AGAINST THE JUDGEMENT IN OP.24228/2002 Dated 05/01/2007
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APPELLANTS: RESPONDENTS
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1. MANAGING DIRECTOR,
FOOD CORPORATION OF INDIA,
HEAD QUARTERS, 16-120 BARAKHAMBA LANE,
NEW DELHI - 110001.

2. ZONAL MANAGER (SOUTH) AND APPELLATE
AUTHORITY, FCI ZONAL OFFICE, HADDOWS ROAD,
CHENNAI.

3. SENIOR REGIONAL MANAGER & DISCIPLINARY
AUTHORITY, FCI REGIONAL OFFICE,
KESAVADASAPURAM, THIRUVANANTHAPURAM.

BY ADV. SRI.P.JACOB VARGHESE, SC, FCI

RESPONDENT: PETITIONER

K.VIJAYAN, ASST.GRADE-II (G),
(ON TERMINATION) FCI DISTRICT OFFICE(SHIPPING),
WILLINGDON ISLAND, COCHIN - 682 003,
NOW RESIDING AT E/11, 11TH CROSS ROAD,
WILLINGDON ISLAND, COCHIN - 682 003.

BY ADV. SRI.C.A.MAJEED

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 07/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.Radhakrishnan
&
Antony Dominic, JJ.
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W.A.No.1114 of 2007
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Dated this the 7th day of June, 2007.

JUDGMENT

Radhakrishnan,J.

Petitioner in the Original Petition was removed from service by Ext.P6. Learned single Judge felt that the subsequent events considerably influenced the disciplinary authority in awarding the punishment of removal from service. But they did not form part of the charge sheet. The delinquent was not put on notice on them and his version was also not called for. Reports which were very damaging to the employee, were received and acted upon. Learned single Judge felt, by the said action, the petitioner is seriously prejudiced also. Hence, if the unauthorised absence from duty for the two spells alone was taken into account, the punishment should not have been harsh. In the circumstances, the learned single Judge quashed Exts. P6, P8 and P10. Learned single Judge also held that in the light of relevant provisions of the Food Corporation of India (Staff) Regulations 1971, the petitioner shall be deemed to be continuing under suspension from

the date of his removal from service and the petitioner is entitled to get subsistence allowance only for the said period. The facts of the case will clearly show that subsequent events were relied upon by the disciplinary authority, hence we find no illegality in the reasoning of the learned judge.

Writ Appeal is dismissed.

K.S.Radhakrishnan,
Judge.

Antony Dominic,
Judge.

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